

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, Individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC. F/K/A,
BIOPTIX, INC., JOHN O'ROURKE,
JEFFREY G. McGONEGAL, BARRY
HONIG, CATHERINE
DEFRANCESCO, MICHAEL
BEEGHLEY, JOHN STETSON, MARK
GROUSSMAN, ANDREW KAPLAN,
MIKE DAI, JASON LES, and ERIC SO,

Defendants.

Civil No. 3:18-CV-02293(FLW)(TJB)

MOTION DATE: November 4, 2019

ORAL ARGUMENT REQUESTED

**NOTICE OF DEFENDANTS' MOTION TO STRIKE IMPROPER
ALLEGATIONS AND IMAGES FROM THE CORRECTED
CONSOLIDATED AMENDED CLASS ACTION COMPLAINT FOR THE
VIOLATION OF THE FEDERAL SECURITIES LAWS**

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PLEASE TAKE NOTICE that on November 4, 2019, or at such other date as may be set by the Court, Defendants Riot Blockchain, Inc., John O'Rourke, Jeffrey G. McGonegal, Michael Beeghley, Andrew Kaplan, Jason Les, and Eric So, by and through their undersigned attorneys, will move the Honorable Freda L. Wolfson, United States District Judge, Clarkson S. Fisher Building & Courthouse, 402 East State Street Room 2020, Trenton, NJ 08608, for an Order pursuant to Rules 12(f) and 10(c) of the Federal Rules of Civil Procedure, striking the following improper allegations and photographs in Lead Plaintiff Dr. Stanley Golovac's Correct Consolidated Amended Class Action Complaint (Dkt. No. 73) in the above-captioned matter:

1. The image in paragraph 176;
2. The image in paragraph 187;
3. The image in paragraph 195;
4. The image in paragraph 275;
5. The image in paragraph 283;
6. The image in paragraph 332;
7. Paragraph 389, including the image embedded and footnote 50 referenced therein;
8. Paragraph 390, including the image embedded therein;
9. Paragraph 391; and

10. Paragraph 392.

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely on this Notice of Motion, the accompanying Memorandum of Law, and on such other written and oral argument as may be presented to the Court as well as all pleadings and proceedings had to date herein.

PLEASE TAKE FURTHER NOTICE that a proposed Order is submitted herewith.

DATED: September 3, 2019

PAUL HASTINGS LLP

By: /s/ Chad J. Peterman

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